IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3529 of 1991

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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CHAUDHARY AMBARAM M.

Versus

VIBHAGYA NIYAMAK.

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Appearance:

1. Special Civil Application No. 3529 of 1991

MR EE SAIYED for Petitioner - Absent

MR HARDIK C RAWAL for Respondent No. 1-2 - Absent

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CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 23/04/2004

ORAL JUDGEMENT

1. No one appears. It appears from the record that criminal case was registered against the petitioner who was arrested in connection with an accident caused by the

bus driven by the petitioner. A departmental inquiry was started against the petitioner for the same accident, by issuing a show cause notice, at Annexure "A" to the petition. By the present petition, it was prayed that no disciplinary action be taken against the petitioner till the result of the criminal case No. 2372 of 1989, which was pending before the Chief Judicial Magistrate, Ahmedabad, in respect of the same accident.

2. In the affidavit-in-reply, it was stated that, as a result of the accident arising out of the bus driven by the petitioner, a cyclist was killed. In paragraph 5 of the affidavit-in-reply, it was stated that the evidence at the departmental inquiry was already concluded and even the second show cause notice was issued and that, there was no likelihood of any prejudice being caused at the criminal trial.

3. When the notice was issued on the present petition on 15-5-1991, ad-interim relief was granted in terms of paragraph 10(B), restraining the respondents from dismissing the petitioner or terminating his services. That ad-interim relief was continued till disposal of the petition by order dated 20-6-1991.

4. It is obvious that the criminal matter would not have remained pending for so many years. The present petition has, therefore, become infructuous. Rule is, therefore, discharged with no order as to costs. Interim relief stands vacated.

[R.K.ABICHANDANI, J.]

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